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Aureon Network Services

Re: *AT&T Corp. v. Iowa Network Services, Inc. d/b/a Aureon Network Services,*
        Proceeding Number 17-56, Bureau ID Number EB-17-MD-001

Dear Counsel:

This letter ruling stays the damages phase of this formal complaint proceeding pending resolution of the Petition for Reconsideration filed by Iowa Network Services, Inc. d/b/a Aureon Network Services (Aureon)[1] and any subsequent challenge to the Commission's liability order in the proceeding.

Background

On June 8, 2017, AT&T Corp. (AT&T) filed a complaint against Aureon, challenging Aureon's imposition of switched access charges on certain traffic.[2] AT&T elected in its Complaint to have the amount of any damages resulting from Aureon's conduct determined in a separate proceeding.[3]

The Commission issued a liability order which found that Aureon violated the Commission's rate cap and rate parity rules.[4] On December 8, 2017, Aureon filed the Petition, seeking reconsideration of the *Liability Order*. The Petition remains pending.

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[1] Petition for Reconsideration, Proceeding Number 17-56, Bureau ID Number EB-17-MD-001 (filed Dec. 8, 2017) (Petition).

[2] Formal Complaint of AT&T Corp., Proceeding Number 17-56, Bureau ID Number EB-17-MD-001 (filed June 8, 2017) (Complaint).

[3] Complaint at 9, para. 20 (citing 47 CFR § 1.722(d)).

[4] *See AT&T Corp. v. Iowa Network Services, Inc. d/b/a Aureon Network Services*, Memorandum Opinion and Order, 2017 WL 5237210 (2017) (*Liability Order*).

Discussion

A decision by the Commission granting Aureon's Petition could obviate the need for the filing of a damages complaint by AT&T.[5] Moreover, even if the damages proceeding still were necessary following the conclusion of the Petition, a decision by the Commission potentially could modify the scope of that damages proceeding.

The Commission has broad discretion to "conduct its [formal complaint] proceedings as will best conduce to the proper dispatch of business and to the ends of justice."[6] In light of the pending Petition, we find that the appropriate exercise of our discretion warrants staying any damages proceeding pending resolution of the Petition and any subsequent challenges to it or the *Liability Order*. We are satisfied that staying any damages proceeding until the *Liability Order* becomes final and non-appealable will serve the public interest by eliminating the need for the expenditure of additional time and resources by the parties and this Commission until such time as is warranted. Accordingly, any damages complaint in this proceeding shall be due 30 days after the date the *Liability Order* is final and non-appealable.

This letter ruling is issued pursuant to Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, Sections 1.720-1.736 of the Commission's rules, 47 CFR §§ 1.720-1.736, and the authority delegated in Sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

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[5] *See* Petition at 5, 25 (requesting reversal of the *Liability Order*, which would preclude the "need to undertake a detailed accounting inquiry in the damages phase").

[6] 47 U.S.C. § 154(j). *See, e.g.,* 47 U.S.C. § 154(i); *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed When Formal Complaints Are Filed Against Common Carriers,* Report and Order, 12 FCC Rcd 22497 (1997).